

Public Hearing

July 14, 2011

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Public Hearing

IN THE STATE OF ALABAMA
PUBLIC HEARING
APPLICATION FOR PERMIT RENEWAL
ARROWHEAD LANDFILL
LANDFILL PERMIT NO.: 53-03

* * * * *

UNIONTOWN MUNICIPAL BUILDING AUDITORIUM
UNIONTOWN, ALABAMA
JULY 14, 2011
COMMENCING AT 6:05 P.M.
VOLUME 1 OF 1

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1 SHAWN SIBLEY: If I could get everybody to
2 come to order, please. We're going to get this
3 public hearing started. I'd like to say good
4 evening to everybody and welcome to this public
5 meeting of the Alabama Department of
6 Environmental Management. We've got some sound
7 issues. Can y'all hear me in the back?

8 AUDIENCE: (Response is negative.)

9 SHAWN SIBLEY: Okay. Okay. I'm going to
10 get the mic then. Can you hear me now?

11 AUDIENCE: Yeah.

12 SHAWN SIBLEY: Again, my name is Shawn
13 Sibley. I am the designated hearing officer
14 for these proceedings. The role of the Hearing
15 Officer is limited to ensuring an orderly
16 hearing, so that an accurate record of the
17 hearing may be developed for the Department's
18 evaluation. I don't make the decision
19 regarding the renewal of this permit. On
20 behalf of the Director, Lance LeFleur, we
21 appreciate your attendance and your
22 participation here.

23 The subject of this hearing renewal is the

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1 proposed renewal of Municipal Solid Waste
2 Landfill Permit No. 53-03 for the Perry County
3 Associates, LCC, to continue to operate a
4 municipal solid waste landfill known as the
5 Arrowhead Landfill. Of course the purpose of
6 this hearing is to provide the public with an
7 opportunity to present oral testimony on the
8 proposed renewal of the Permit. In addition to
9 oral testimony, the Department will also
10 consider all written statements submitted at
11 the close of the public comment period. The
12 Department has requested your comments, and we
13 appreciate your taking the time to make them
14 known to us.

15 Notice of the time, date, and place and
16 purpose of the hearing was published in The
17 Marion Times and The Selma Times Journal, on
18 June 8th, 2011. In addition, the Department
19 also sent notice of the hearing by direct mail
20 to 74 individuals and organizations and 2,400
21 individuals and organizations by electronic
22 mail, who had previously requested advanced
23 notice of the permit proceedings. A copy of

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1 the notice, certificate of publication, and the
2 mailing lists will be entered into the record
3 of these proceedings.

4 Copies of the public notice, permit
5 application, and the proposed permit have been
6 made available for inspection by the public at
7 the Department of Environmental Management's
8 office at 1400 Coliseum Boulevard, in
9 Montgomery. The notice, the application, and
10 the proposed permit have been available on the
11 Department's website also.

12 This hearing is open to the public and
13 anyone wishing to present oral testimony or a
14 written statement may do so. Those who have
15 not previously completed a registration card to
16 give testimony should do so at this time and
17 present it to the Department representatives in
18 the back of the room. Those who wish to
19 receive the Department's response to comments
20 should also fill out a registration card.

21 Lengthy statements, or those containing
22 considerable technical or other complex data,
23 should be submitted in writing. Summaries of

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1 those statements may be presented orally. All
2 testimony and written statements should be as
3 factual as possible and should address the
4 subject of this hearing.

5 This hearing is an opportunity for the
6 members of the public to offer comments to help
7 assure that all relevant factors are considered
8 before a final permit decision is made.

9 Persons giving testimony will not be subject to
10 questioning by the public but may be questioned
11 by the Hearing Officer or Department staff to
12 clarify points and to develop a better
13 understanding of what is being presented. The
14 proceeding today is not an open forum as in a
15 question and answer session; rather, it's an
16 opportunity for you to submit comments that you
17 wish the Department to consider in a final
18 review of the proposed permit. However, you
19 may pose a comment in the form of a question
20 which will be complied and addressed by the
21 Department in its complete response to
22 comments. It is important to note that written
23 comments submitted through the mail are given

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1 the same consideration as those that are
2 presented in person at this hearing. All oral
3 and written testimony will be included in the
4 Hearing Record.

5 In addition to oral testimony, written
6 comments may also be submitted. All written
7 statements previously submitted and those
8 received by the Hearing Officer before
9 5:00 p.m., Thursday, July 21st, will be
10 included in the Hearing Record.

11 Once complete, the Hearing Record --
12 including the transcript of this hearing and
13 all written submissions received by the
14 Department before the close of the comment
15 period -- will be open to public inspection at
16 the Department's offices in Montgomery.

17 After full consideration to the Hearing
18 Record, the Department of Environmental
19 Management will announce its decision on the
20 proposed permit renewal.

21 Now on to the purpose of this hearing; to
22 receive public comment. The order of persons
23 giving testimony will be as follows: First, a

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1 representative of the Department, a
2 representative of Perry County Associates, LLC,
3 and then any elected officials or their
4 representatives who have registered to speak.
5 All remaining members of the public will be
6 heard in the order in which they signed up at
7 the registration table in the back. If you
8 wish to testify and if you've not already done
9 so, please register now. I would ask each
10 person making a statement to step up to the
11 microphone, state your name, and any interest
12 that you represent. And also keep in mind that
13 we want you speak up because this is being
14 recorded by a court reporter here. But also
15 you need to be mindful of all the folks that
16 have signed up to speak. So we want to try and
17 ask you to limit what you say to about five
18 minutes, okay. Because there are quite a few
19 people that have signed up to speak. And now,
20 I'm going to recognize Mr. Shane Lovett. And
21 he's going to present a statement on behalf of
22 the Department.

23 SHANE LOVETT: Good evening, my name is

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1 Shane Lovett, and on behalf of the Alabama
2 Department of Environmental Management, we
3 thank you for your participation in the
4 permitting process for the Arrowhead Landfill,
5 Permit 53-03.

6 The Arrowhead Landfill has submitted to
7 the Alabama Department of Environmental
8 Management an application to renew its Solid
9 Waste Disposal Facility permit for the
10 Arrowhead Landfill located near Uniontown in
11 Perry County, Alabama. The Arrowhead Landfill
12 facility is located in Sections 21, 22, 27, and
13 28, Township 17 North, Range 6 East on County
14 Road 1 in Perry County.

15 The waste stream for the Arrowhead
16 Landfill would continue to be nonhazardous,
17 solid wastes, noninfectious putrescible and
18 nonputrescible wastes including, but not
19 limited to, household garbage, commercial
20 wastes, nonhazardous industrial waste,
21 construction and demolition debris, and other
22 similar type materials. Special waste approved
23 by ADEM may also be accepted. The service area

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1 for the Arrowhead Landfill would remain the
2 states of Alabama, Arkansas, Connecticut,
3 Delaware, Florida, Georgia, Illinois, Indiana,
4 Iowa, Kentucky, Louisiana, Maine, Maryland,
5 Massachusetts, Michigan, Minnesota, Mississippi
6 Missouri, New Hampshire, New Jersey, New York,
7 North Carolina, Ohio, Oklahoma, Pennsylvania,
8 Rhode Island, South Carolina, Tennessee, Texas,
9 Vermont, Virginia, West Virginia, and

10 Wisconsin. The maximum average daily volume of
11 waste allowed to be disposed at the Arrowhead
12 Landfill would remain 15,000 tons per day.

13 Thus far in 2011, the average daily volume of
14 waste disposed at the Arrowhead Landfill was
15 reported to be approximately 76 tons per day.

16 Based on our review of the permit renewal
17 application, the Department has made a
18 preliminary determination that the landfill may
19 continue to be operated in a manner which would
20 be in compliance with the applicable state and
21 federal solid waste disposal requirements and
22 thus, protective of public health and the
23 environment. The proposed permit includes the

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1 following conditions: Upon reissuance, the
2 permit would be valid for a five-year period.
3 The Permittee would continue to conduct
4 groundwater monitoring semiannually. The
5 Permittee would continue to conduct explosive
6 gas monitoring. The Permittee would, at all
7 times, properly operate and maintain the
8 facility and all systems in accordance with the
9 application and the permit. The Permittee will
10 complete ongoing construction of the final
11 cover system for the closed cells as seen on
12 the aerial photograph displayed at the front of
13 the room. Upon completion, the Permittee would
14 maintain the integrity of the final cover
15 system throughout the life of the permit and
16 post-closure period. The Permittee would
17 obtain the approval of ADEM for any change or
18 modification to the facility or a system which
19 might otherwise result in noncompliance with
20 the permit or ADEM's Administrative Codes.

21 The purpose of tonight's hearing is to
22 provide an opportunity to receive public
23 comment regarding the application and proposed

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1 permit. The Department welcomes your input to
2 this process and will consider all technical
3 comments prior to making a final decision
4 concerning the issuance of this permit and will
5 provide a written response to each
6 commenter [sic] and to those requesting
7 specific notice of our decision.

8 Thank you again for participating in the
9 hearing.

10 SHAWN SIBLEY: I'm going to call on Bill
11 Hodges to make a statement on behalf of the
12 Perry County Associates, LLC. And I'm just
13 going to leave this mic in the microphone -- or
14 in this holder -- and y'all can use this
15 podium.

16 BILL HODGES: Good evening. I appreciate
17 the opportunity to be here. I'm Bill Hodges.
18 I'm the engineer of record for Perry County
19 Association, Arrowhead Landfill. I have been
20 the engineer since the facility opened...

21 SHAWN SIBLEY: Can y'all hear in the back?

22 AUDIENCE: (Respond is negative.) Turn
23 around.

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1 SHAWN SIBLEY: No. He is going to talk so
2 the court reporter can hear him. So he needs
3 to be able to face this way.

4 BILL HODGES: I just turned it up a little
5 bit.

6 SHAWN SIBLEY: See if you can hear him
7 now.

8 BILL HODGES: I've been the engineer since
9 the facility opened in 2007. And we're here
10 today for a five-year permit renewal. I am the
11 engineer who prepared the permit renewal
12 package, and nothing has changed from this --
13 from the way the facility was originally
14 permitted and the way the facility has been
15 operated over the last few years.

16 Permit renewal is a time for the facility
17 owner and for the Alabama Department of
18 Environmental Management to look over all of
19 the previous designed documents, permit
20 documents, and update them for current
21 conditions, since waste fill operations have
22 been ongoing at the facility for a number of
23 years.

1 Arrowhead has operated throughout its life
2 without any violations from ADEM rules. This
3 has occurred because the owner and operators
4 have been committed to doing things right.

5 We thank you for having us here tonight.
6 We thank everyone for making comments, and we
7 look forward to hearing those comments. Thank
8 you.

9 SHAWN SIBLEY: Are there any elected
10 officials here that have signed up to speak?
11 Any elected officials? Okay. I'm going to
12 move on to the order of citizens and
13 representatives that have signed up in the back
14 to speak. I now call on Ellis Long. If you
15 could, please come forward. Hi, Ms. Long.

16 ELLIS B. LONG: My name is Ellis Long.
17 I'm a member of the Blackbelt Citizens Fighting
18 for Health and Justice.

19 AUDIENCE: We can't hear back here.

20 ELLIS B. LONG: Is that better?

21 SHAWN SIBLEY: It is up here.

22 AUDIENCE: And speak up.

23 ELLIS B. LONG: My name is Ellis Long.

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1 I'm a member of the Blackbelt Citizens for
2 Health and Justice, Uniontown Cares, and
3 Concerned Citizens of Perry County. The
4 Arrowhead Landfill was originally permitted and
5 promoted as a site for only municipal household
6 garbage. But PCA and ADEM have turned it into
7 a hazardous site. The full impact of which may
8 not be known for years. Big money was paid to
9 collect and remove the coal ash from Tennessee.
10 But, undeniably, it is just as toxic and
11 hazardous here in Uniontown as it was in
12 Kingston. Meanwhile, in addition to the many
13 millions of dollars PCA has generated in waste
14 disposal fees, both the Perry County Commission
15 and ADEM have profited by collecting \$1 per ton
16 or over \$3 million on the coal ash that has
17 been delivered to this landfill. All local
18 residents are at the absolute mercy of these
19 entities as they expand their search for more
20 waste to attract to Arrowhead Landfill for
21 their profit. We're extremely disturbed by
22 deficiencies in PCA's operations and ADEM's
23 oversight. There were promises of protection

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1 for, and public access to, on-site graves. But
2 no such arrangements were forthcoming. There
3 were promises of archaeological artifacts being
4 gathered and donated to local universities or
5 museums, but none ever materialized. There
6 were firsthand reports of human graves being
7 bulldozed during landfill construction, but no
8 action was taken to prevent this violation of
9 state law. There have been several explosions
10 on the landfill site, but no report of these
11 explosions and their damages or consequences
12 has been made public. Residents reported that
13 the coal ash, washed from railway box cars, was
14 flowing into Tayloe Creek; but no action was
15 ever taken to prevent this, so it continued
16 during the entire time coal ash was shipped to
17 Arrowhead. What is the benefit to our
18 community of any on-site monitoring if we're
19 never informed of the details? How can we
20 protect ourselves from any event of
21 contamination or release if there is no
22 mechanism for public awareness? ADEM should be
23 required to publish the reports and records of

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1 the landfills operations in a timely manner to
2 ensure the public of adequate notice of and
3 opportunity to avoid potential threats and
4 dangers. We need a local health clinic set up
5 to make baseline assessments of local
6 residents' current physical condition, so that
7 their future medical needs and concerns can be
8 documented and compared to the baseline. ADEM
9 states it will only be concerned with technical
10 data in the review and renewal of this permit
11 application. Unfortunately, ADEM and PCA are
12 the only entities having access to both the
13 facility itself and the records of technical
14 data, including the monitoring and report to
15 PCA's operations. This information is of
16 critical importance to the decision for renewal
17 or nonrenewal of the permit. It is even more
18 important to the health of our local citizens
19 and their peaceful enjoyment of their homes,
20 property, and families. We want ADEM to deny
21 renewal of PCA's landfill permit and to
22 recognize that coal ash is hazardous both to
23 human health and to the environment. We want

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1 the coal ash to be removed from our community.

2 Thank you.

3 SHAWN SIBLEY: Thank you. I now call on
4 Esther Calhoun on behalf of the Blackbelt
5 Fighting for Health and Justice. And then,
6 after Ms. Calhoun, is Mary Schaeffer.

7 ESTHER CALHOUN: Good evening. I'm Esther
8 Calhoun, I'm a member of the Blackbelt Fight
9 for Health and Justice. I stand here to speak
10 on behalf of the people and the residents on
11 County Road 1. They are very concerned. They
12 are very concerned about their health. We
13 don't know if the coal ash is hazardous or not.
14 We don't get a report about that. And plus,
15 there's a lot of people that live down there
16 have well water. And my concern is: If you
17 wash out railroad carts -- is it hazardous?
18 You know, it's kind of confusing. People live
19 near there get the dust and everything else.
20 If you wash the train things that come in,
21 why -- why do you have to wash it? It's so
22 many questions that we don't have answered. In
23 the country -- down County Road 1 is where the

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1 country is. That's where wild animals, all
2 that -- and a lot of people love to go hunting.
3 A lot of the people are farmers. We are very
4 concerned that someone would be concerned about
5 us. This little town has no more than about
6 2,000 people. And we're concerned about all
7 these different -- you know, this was up in
8 Kentucky where this came from, you had many
9 hospitals. There's only two or three hospitals
10 in this little county. And we have to go
11 hundreds of miles. And most of us are on low
12 income. We want -- we need answers. We need
13 help. We need someone to do tests. We need
14 someone to come in and make sure this coal ash
15 is not hazardous. We read about it. We see
16 all talks and news -- and everywhere -- that
17 it's hazardous. We don't have a lot of money.
18 Most of us live on fixed income, as I said
19 before. But, we are mighty; we're not going to
20 stop here. If you don't give us an answer,
21 we're going to keep on moving. We need answers
22 in Uniontown, Alabama. It's all about the
23 money with the commissioners. No one is

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1 concerned about the Blackbelt. Well, we live
2 in the Blackbelt, and we're concerned about our
3 health. Why not put a clinic down -- to let
4 the people get tested to see if anything is
5 going on since the landfill has been down and
6 the coal ash has been moved from Knoxville. So
7 we actually -- please, please help us. And
8 don't -- don't -- justice -- just say, well, we
9 going to see -- we going to test -- we going
10 see about it. We gone -- we need answers;
11 that's what I'm saying. I'm not a good
12 speaker. But, a lot of people come talk to me,
13 Esther, Esther -- this, this. But, we need
14 answers. We need answers from EPA. We need
15 answers from you. We need to know. Make this
16 a safe environment; that's all we're asking.
17 If it's safe -- coal ash is -- coal ash is
18 safe, then let us know if it's safe. Give us
19 answers, that's all I ask. Thanks for
20 listening.

21 SHAWN SIBLEY: Thank you. Ms. Mary
22 Schaeffer. And then, Barbara Evans will be
23 next after Ms. Schaeffer.

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1 MARY SCHAEFFER: Good evening. My name is
2 Mary Leila Schaeffer, and I'm a member of the
3 Blackbelt Citizens Fighting for Health and
4 Justice, also, of the Concerned Citizens of
5 Perry County, and Uniontown Cares. I'm one of
6 hundreds of Uniontown and Perry County
7 residents who have signed petitions and fought
8 against ADEM's permit of the PCA/Arrowhead
9 Landfill from the very beginning. I'm one of
10 five local citizens who sued Perry County
11 Commission and ADEM to stop the landfill.
12 During this suit, PCA admitted fraud in their
13 permit application. They admitted fraud in
14 their permit application. I want to make that
15 clear. Those items of fraud were never fixed.
16 Even so, ADEM approved this landfill permit.
17 As we all know, our county officials were
18 determined to bring the landfill here. The
19 Perry County Commission chose to completely
20 ignore the will and the welfare of the people
21 that they were elected to represent. We
22 repeatedly expressed grave concerns to ADEM
23 about the questionable financial strength of

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1 PCA. Although many times we requested proof of
2 PCA financial assurances, neither PCA nor ADEM
3 ever gave us any such information. When
4 residents near the landfill began to feel the
5 effects of the coal ash and brought suit
6 against the landfill, PCA protected itself by
7 declaring bankruptcy. This is exactly what we
8 had feared, what we expected, and what we had
9 warned ADEM about. Obviously, PCA is trying to
10 escape liability and dodge responsibility for
11 its operations. Where does this leave our
12 neighborhoods whose health has been
13 compromised, and whose health continues to be
14 compromised? We have asked ADEM to provide us
15 with evidence, and we ask again. We would like
16 a copy. We would like the information of PCA's
17 financial assurance as required by federal law.
18 How can ADEM propose to renew a permit for a
19 company that has declared bankruptcy? That
20 makes no sense. How can you have an assurance
21 of financial stability and capacity from a
22 company that has declared bankruptcy? How can
23 ADEM renew a permit for PCA when they've

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1 already failed to address the legal complaints
2 and charges arising from their operations?
3 What role does PCA's financial assurance play
4 in this scenario? What protections are
5 afforded to individual citizens? We have
6 legitimate questions. And we need truthful and
7 complete answers from ADEM. Every scientific
8 study of coal ash, including EPA's 2007 study,
9 recognizes that coal ash contains hazardous
10 materials like arsenic, mercury, cadmium, lead,
11 and chromium. These toxins should not be
12 disposed of in a municipal landfill. Certainly
13 not a municipal landfill where there are many
14 residents living very nearby, across the street
15 actually. Of critical concern to our community
16 is the fact that ADEM authorized PCA to leave
17 out one compacted soil layer of the landfill
18 liner. I have the documentation of that, and
19 I'm sure ADEM does too. In reality then, the
20 PCA landfill is built to a lesser standard than
21 what is required by federal regulations. If
22 you want a technical reason not to renew a
23 permit, I don't think you could find a better

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1 one than a substandard construction mode. In
2 addition, for months -- as y'all are, I'm sure
3 quite aware -- PCA has used the coal ash as a
4 cover material at Arrowhead rather than
5 covering the coal ash with a layer of soil.
6 These two factors have placed our citizens'
7 health in even greater jeopardy and -- I
8 feel -- to ADEM not acting in the way it was
9 designed to act. Rains have washed the
10 uncovered coal ash and its toxins into local
11 creeks and roadside ditches compromising
12 surface water and ultimately jeopardizing well
13 water for households and livestock. Winds have
14 blown the coal ash into homes and gardens, into
15 agricultural fields and into catfish ponds
16 compromising not only the quality of air,
17 water, and soil; but also, the health of humans
18 and of livestock -- I'm sorry -- of wildlife
19 including deer, rabbits, and other game and
20 fish that local area residents use to
21 supplement their diets. You can see how that
22 would be a great concern: if part of your diet
23 involves the things that you hunt and fish, and

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1 you don't know what they have consumed in the
2 way of vegetation or other animals, what their
3 flesh may contain. Since when did coal ash
4 become an acceptable alternative cover? I have
5 noticed in the publication for this hearing
6 that there are several new alternative covers
7 proposed. Those are not part of federal
8 regulations. When did coal ash become an
9 approved alternative cover for landfills? And
10 several more, they're talking about parts from
11 shredded automobiles and petroleum --
12 contaminated soil. When did those become
13 acceptable covers for landfills? I'd like to
14 know. I've certainly seen nothing about that.
15 Where in the controlling federal regulations
16 are these materials allowed as daily cover?
17 The gentlemen from PCA who spoke said that
18 nothing has changed in this permit. Excuse me
19 a minute. That's not true. This landfill
20 started out with a preposterously large number
21 of states from which it would take waste. The
22 number being 16. It now was expanded, I think,
23 to 23. And this permit renewal talks about 33

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1 states. That's more than two-thirds of the
2 United States. As if we're the only place in
3 the world where garbage can be dumped. Also,
4 the original permit was for 7500 tons; it's now
5 up to 15,000. So, it is not the same. These
6 additions about the different cover materials;
7 they are certainly new developments. These are
8 not part of the original permit. They were
9 never accommodated in the original plans. We
10 are very concerned that PCA and, we hope not
11 ADEM, but possibly, are formulating their own
12 rules to fit their motives and purposes as well
13 as possible waste streams that they may tap
14 into in the future. And ADEM continues to
15 profit from this landfill, just like PCA is
16 profiting and the Perry County Commission is
17 profiting. And -- we're all being sacrificed
18 for greed. This is an absurd position for ADEM
19 to be in when you are charged with enforcing
20 environmental protections, taking care of our
21 health and our environment. You're charged to
22 uphold these things, and instead you're, as one
23 person here who likes to say, you're throwing

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1 us under the bus. Don't think that it doesn't
2 affect us, it does. We urge ADEM to deny
3 renewal of PCA's landfill permit. It's
4 compromising our health. It's degrading our
5 environment and Alabama's environment. We want
6 the coal ash removed from Arrowhead Landfill.
7 We want it to be put in a facility that is
8 available to take care of hazardous waste, as
9 this undoubtedly is hazardous waste. Emelle is
10 only about 70 miles from here. Hazardous waste
11 should have been taken there, not brought here.
12 I appreciate your time. I hope you will take
13 these comments seriously, and we hope to have
14 good response from you regarding this permit.
15 Thank you.

16 SHAWN SIBLEY: Thank you, Ms. Schaeffer.
17 Ms. Barbara Evans, if you would come forward.
18 And then Mr. James Smith will be coming up
19 next.

20 MS. BARBARA EVANS: Thank you very much.
21 Can y'all hear me? I'm Barbara Evans. I, too,
22 am a member of the Blackbelt Citizens Fighting
23 for Health and Justice based in Uniontown.

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1 And, as you know, I was also a registered
2 lobbyist at the Alabama State Legislature for a
3 number of years. This last session, they
4 slashed your budget. At the same time they
5 slashed the budget for ADEM, Russell Kelly and
6 your legal person lobbied the Alabama State
7 Legislature to regulate coal ash, which we
8 liked. But you regulated it as household
9 waste, knowing you would get a dollar a ton to
10 make up your budget shortfall. I submit to you
11 that because of defunding cuts and the income
12 you received from coal ash as an agency, that
13 this is the fox guarding the hen house. And
14 that, ADEM should not be making this decision.
15 I have come to Uniontown on many, many, many
16 occasions. I've smelled it; I've seen it. I
17 -- this dump should have never been permitted
18 in the first place. It is too close to a
19 community. It is right across a county road.
20 Residents are not allowed in. People do not
21 know what's going on. And I don't think the
22 permit should be renewed. I think that the
23 argument could be made that ADEM cannot be a

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1 fair player because of the income you receive
2 from coal ash and because of the lack of
3 knowledge of the hazardousness of the coal ash.
4 When I see Russell Kelly get up in front of the
5 legislative committee and they ask him right
6 out, Is it hazardous? And he made a little
7 joke about it. This is no joking manner. I've
8 watched my friends get cancer. We've got
9 serious problems here. The whole world is
10 watching, and they've watched the white
11 neighborhood in Knoxville -- I'm sorry --
12 Kingston bring that toxic coal ash to a black
13 neighborhood in Perry County. It's environment
14 racism. It's as simple as that. It's
15 environmental racism. Like folks said, if it
16 was toxic there, it's toxic here. The
17 difference is this: You don't have the staff
18 to adequately monitor this landfill. It hasn't
19 been adequately monitored in my opinion up
20 until now. It's even worse now with the coal
21 ash. And I suspect, and I frankly have heard
22 from internal sources, that it's going to be
23 perfectly all right to use coal ash as a cover

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1 for landfills throughout Alabama, which is why
2 I fought that legislation. But, of course, the
3 big boys always get their way because, you
4 know, they've got the money to do it. And not
5 too many people in Alabama really care about
6 poor black communities -- that is shown every
7 single day. I urge you to deny this permit.
8 There's a variety of reasons. I'll submit a
9 technical argument later. But the real -- the
10 real problem is that you can't make a fair
11 decision when the funding of your agency
12 depends on this money. I believe you were cut
13 thirty-three-and-a-third percent. If you
14 could -- if you had two landfill inspectors for
15 the whole state before that, how in the world
16 can -- you should really be not allowing any
17 more permits. I was delighted that the
18 governor issued a moratorium on landfills for
19 two years, but it's not enough. I wish he
20 would have had the moratorium on any permit
21 renewals. You don't have the staff to do it.
22 I am not questioning your motives, but you
23 don't have the staff to do it. And I don't

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1 think your leadership has the political will to
2 protect these people in Uniontown. Thank you.

3 SHAWN SIBLEY: Thank you, Ms. Evans.
4 Mr. James Smith.

5 JAMES SMITH: I pass.

6 SHAWN SIBLEY: Pass. Okay. What about a
7 Mr. William Gibbs? And Booker Gipson would be
8 behind Mr. Gibbs.

9 WILLIAM GIBBS: Good afternoon. My name
10 is Bill Gibbs. I'm the chairperson of the
11 Blackbelt Citizens Fighting for Health and
12 Justice. You heard the ladies. Just -- this
13 is -- all of them -- we're all in the same
14 group, okay. But I want to address just --
15 they already -- you already got the word from
16 them. What we do and what we do not like. I
17 live in that environment, okay. I live on
18 Country Road 21 near the landfill. And I
19 know -- I am eating this dust and ash -- and
20 all of this odor that comes from the landfill
21 air. So I know what it's all about. We've
22 already been shortchanged years ago before --
23 were hired down there for -- to buy this

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1 property down there. We was tricked into
2 buying it. It's lime rock -- a lot of lime
3 rock is down there. Couldn't grow no crop or
4 nothing, so they stuck us down there. And
5 then, now, you guys -- everybody's coming here,
6 and they stick all kind of stuff on us like the
7 coal ash they brought in here. I mean, the
8 landfill is bad enough.. They put it right in
9 our back door. And some, our front doors. And
10 we got to breathe this, and we got to listen to
11 this noise 24/7. Okay, so, now you people is
12 telling us that y'all are monitoring this. But
13 who do the monitoring go to? That is what I
14 would like to know. Where and who do these
15 results go to when you monitor all of this
16 stuff? I mean, you said coal is not a
17 hazardous waste. But, okay, why did they ship
18 it out of Tennessee? We would like very much
19 to get answers to some of these questions that
20 we are asking before you even talk about
21 renewing the permit. We want to know about our
22 rights, okay. You got all kind of rights
23 around. But we want to know about our rights,

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1 about human rights, civil rights. We have a
2 right to know some of these things, and we have
3 a right not to live in this environment. Just
4 because we're poor black people down in this
5 neighborhood down here, we don't feel that we
6 are being treated -- we feel discriminated
7 against. And we know that it's some help
8 somewhere. So, if you people can't help us, we
9 would like to know who can, and where do we go
10 from here? So my thing is: You got the word
11 from the ladies here, all of my friends, all my
12 members. All this stuff that you're getting
13 today is facts of life, okay. We're worried
14 about health, our health. I live -- I worked
15 for General Motors for 35 years and moved back
16 here to the environment thinking I'm going to
17 get some fresh air, getting away from the smog
18 in the city. It's worse here than it is in New
19 York. We've got all kind of stuff going on in
20 this town. And our elected officials is not
21 doing their job properly. We got EPA; we got
22 you guys, ADEM. We want to know: Where do we
23 go from here? Who's in charge of what? Humans

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1 do not have to live like this, okay. Y'all got
2 animals rights -- that if something happens to
3 an animal, everybody comes running down. They
4 put you in jail about an animal. They need to
5 put somebody in jail about humans and the way
6 they're treating us down here. That's all I
7 would have to say. But then I would like to
8 say I do have a person that works -- works out
9 there. My thing: I hunt and fish, okay, in
10 Tayloe Creek. I was there Tuesday. I wanted
11 to bring you guys some fish. You know, you
12 catch those fish, they smell. The water
13 smells. The fish smell. Okay, you can't eat
14 those fish. Some people might not know that
15 and go down and catch the fish. And something
16 is going to breakout around here in this
17 city -- and everybody is going to start getting
18 sick and stuff. And then everybody -- we might
19 get some help then, but it might be too late.
20 So what we need now is a clinic to check
21 people -- have physical -- checkup every so
22 often. A lot of people don't have insurance,
23 and they're afraid to go to the doctors. We

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1 need something that we can go and have a
2 checkup. We don't have a clinic here. We need
3 a car where we can go to the clinic of our
4 choice to have a checkup ever so often to see
5 what it's like because we breathing it. And
6 the people, they're complaining about the coal
7 ash that was coming on into the
8 air-conditioning unit. I didn't have it in my
9 air-condition unit; I just had it on my trucks
10 and cars. My truck's already started changing
11 colors. Okay. If it change colors of your
12 paint job on your car or vehicle, what do you
13 think it do to your lungs? That's all I have
14 to say. I would like some justice down here.
15 Okay. And I'd like for you people to take this
16 back to whomever you have to address these
17 issues, so that we can get some help down here.
18 Thank you.

19 SHAWN SIBLEY: Thank you, Mr. Gibbs.
20 Ms. Dora Williams. Did I miss someone?
21 Ms. Dora Williams. Ms. Kitty Long is after
22 Ms. Dora.

23 DORA WILLIAMS: My name is Dora Williams.

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1 I am a member of the impact group, and --

2 AUDIENCE: Speak into the mic.

3 SHAWN SIBLEY: Can y'all Ms. Dora?

4 Ms. Dora, you need to be a little closer to the
5 mic.

6 DORA WILLIAMS: I am a member of the
7 Impact Group and the Blackbelt Community --
8 Citizens. I'm kind of nervous here. I live
9 across the street from the landfill, and I have
10 some pictures that I can show you. And it
11 stinks bad. And it is too close. And I
12 have -- and was a little mellow. Now, I got a
13 mountain in the front of me; that's how big the
14 hill is now. I don't know where it's going,
15 higher and higher. And then, when they was
16 putting that ash out there, they leaving it on
17 the ground. And it rain -- ash just float
18 everywhere. And when it come a flood, the
19 water come into my yard on down to the other
20 ditch. And I have pictures where water stay --
21 constantly stay in the ditch. Stink, stink,
22 stink. And it's no good. Now, more states is
23 added. I don't know. And I had -- I went to

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1 the doctor. The doctor say I have cancer. So
2 I'm -- I can't say exactly where it come from,
3 but I have it. So -- but, I ate the fruit the
4 first year when they put that ash there. I ate
5 my fruit that year because I didn't know.
6 Until it was in December when some more -- what
7 is it agriculture people was studying -- you
8 know, study group -- stuff -- on cleans
9 stuff -- what you call that? Y'all know what
10 I'm talking about.

11 AUDIENCE: Health department.

12 DORA WILLIAMS: Health -- it's something
13 like the health department -- they came down.
14 And they said that the fruit -- that -- don't
15 eat the fruit. But the -- meanwhile, the
16 commissioner's saying, Oh, everything's a-okay.
17 You know, ain't nothing wrong with it. Ain't
18 nothing wrong with this ash. We can eat it.
19 But you know what? I wish I could sit them
20 down and make them eat it. I sure would. But
21 I ain't never been to jail, and I ain't going
22 to jail. But I sure would make them eat it.
23 If I didn't go to jail. And they lie. And

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1 it's too close. When they first started, I
2 asked them, I said, What is y'all doing? Oh,
3 we checking the vines and stuff for poison
4 vines and all -- that's the lie that they told
5 us when they started doing all the blasting.
6 And after that, here come the landfill. They
7 lied all the way, all the way. And so, I don't
8 know what happened. EPA, I don't know what
9 happened. I don't know where they carried
10 them. Did they carry them on the Tayloe Road
11 instead of County Road 1? Something happened,
12 because anybody in their right mind -- I don't
13 care what kind of job you got or what kind of
14 money you earning -- anybody in their right
15 mind -- they'd said, No, don't put that right
16 there in those people's mouth. Because I'm --
17 you see how far that wall is? I'm right here;
18 the landfill is right there. One main highway,
19 one. And I'm getting it all. I'm getting it
20 all. Johnson, Polk (phonetic), and Ruby
21 Holm (phonetic). All of us is getting all.
22 And stink, good Lord. And now, I don't know
23 what kind of smell is coming up now. Because

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1 there's another kind of smell that make you
2 dizzy. So they said the gas fume or whatever
3 it is. I don't know what it is, but I know
4 it's kicking. It cutting up. And I guess -- I
5 don't know -- I guess -- please hear us and
6 help us. Because if you don't, somebody's
7 going to be dead. And I hope it ain't me.
8 That's all I can say. I hope nobody dies. But
9 we need help, serious help. Not no bullshit
10 what they be talking about up here. The
11 commissioners -- we don't need that. We don't
12 need that. And I have something for you to
13 see. And I thank you.

14 SHAWN SIBLEY: Ms. Williams, can we keep
15 those?

16 DORA WILLIAMS: Yes, you may.

17 SHAWN SIBLEY: Thank you.

18 AUDIENCE: You got copies? Everybody
19 needs to bring pictures. Some kind of proof.

20 SHAWN SIBLEY: We're going to make this
21 part of the record, her pictures. It will be
22 part of the record. I'm going to call on
23 Ms. Kitty Long. Ms. Kitty Long. And then next

1 behind Ms. Kitty Long, I believe, is Jimmie
2 Jones; is that right? Is there a Jimmie Jones
3 here?

4 KITTY LONG: Good evening. Am I speaking
5 all right?

6 SHAWN SIBLEY: Yes, ma'am. Can you get a
7 little closer to the mic?

8 AUDIENCE: Get closer. Speak up.

9 KITTY LONG: Get closer. I hadn't plan to
10 make any remarks because I didn't know that we
11 were going to be invited to do that. But
12 having spoken at a previous meeting, I would
13 like to express some personal feelings about
14 this because from the very first I've been
15 concerned about this landfill with the feeling
16 that it was just going to be something too
17 large for our citizens in this area to handle.
18 We were able to look over the very first
19 proposal, and I realize that it was something
20 that had been in the works for a good while
21 because for several years municipal officials
22 have been trying to solve the problem of
23 disposing of municipal waste. But I did think

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1 that we were going to be subjected to something
2 that was entirely too much for us to handle.
3 And quite often, although it may not be
4 intention, it just doesn't get handled
5 properly. There are several things that I am
6 concerned about from the very first when
7 reading this first thing that we were presented
8 with. We went to -- someone of our group went
9 to Montgomery to ADEM's office and requested
10 your material that you offered to the public,
11 and it cost \$300 to acquire that. She put up
12 the money, and we gathered it up to pay her
13 back. It was a very pitiful presentation, I
14 thought. But it was passed around to all the
15 counties. And I went to some meetings, and
16 they went ahead and approved it, the different
17 county groups that were asked to write
18 approvals. But I don't think that that
19 proposal that we read was any way or near what
20 we've ended up with. It was just entirely too
21 much of a small thing. I believe the first
22 notice we got of all these counties that were
23 going to be included in that -- if I remember

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1 the number, it was going to 16 counties,
2 instead of just the municipal waste of Alabama.
3 And I know sometimes humans have good
4 intentions, but it's awfully hard for humans to
5 do the best job that should be done. And we're
6 just setting here having to take the results of
7 what happens. Now about this monitoring --
8 that was one of my big questions from the
9 beginning. Who do you have out there
10 monitoring this? Is it someone who is on the
11 payroll for the landfill? Someone who is on
12 the payroll for ADEM? To whom are they
13 reporting? Personally, I don't know anything,
14 and I've been involved with this from the very
15 beginning. I've never seen any official report
16 on the whole operation. And I'd like to know
17 exactly how do we get a report? And who is the
18 report being made by, and who are they working
19 for? Are they working for the citizens? Are
20 they working for the landfill? We need to have
21 some questions answered, and we need some
22 information. Now, I do get talk like we all
23 do. I have a friend who's a truck driver. And

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1 some of his deliveries carry him all the way to
2 California, and he's very conscientious about
3 having a clean truck. He told me that when you
4 have to stop at a weigh station, he wants his
5 truck to be just spotless because they don't
6 give you as hard a time. He said if you drive
7 up there with a dirty truck, they're real hard
8 on you. One incident he told me of -- he paid
9 \$75 to have his truck washed really well to get
10 off to an early-morning start. Went out the
11 next morning, and the truck was too dirty to
12 take it. So I imagine he had to go somewhere;
13 pay to have it cleaned up again. This man also
14 told me that in previous years he had made
15 deliveries to a large lumber operation in this
16 area -- manufacturing operation. And that
17 after they made their delivery, before they
18 went back onto the highway, their trucks were
19 washed down so that they wouldn't be carrying
20 refuse out onto the main highway. Now, I've
21 had complaints about the mud. In fact, this
22 man told me that they didn't wash the trucks
23 out there after they make a delivery. And it's

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1 a lot of mud, sometimes, in this area. I think
2 some people that live out there told me that
3 there's an awful lot of mud out there on the
4 main road, on the paved road. We do need
5 industry in this area, and we are not opposed
6 to properly run operations. But I don't think
7 we need to be made into a garbage dump for the
8 rest of the United States. And I have also
9 been told that there are people -- workers from
10 out there -- who have to wear protective
11 clothing and, you know, you supposed to wear
12 masks out there and all that. And they come
13 into the main part of town with the clothing
14 on. I don't know who's monitoring that. Or,
15 do they have a place out there where they take
16 off their clothes and leave them? There's just
17 a lot of questions that aren't being asked, and
18 there's a lot of complaints about what's going
19 on. Thank you.

20 SHAWN SIBLEY: Thank you. Jimmie Jones.
21 Jerry Holmer; is that right?

22 JERRY HOLMES: Holmes.

23 SHAWN SIBLEY: Holmes. Okay.

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1 JIMMIE JONES: My name is Jimmie Jones. I
2 live on Highway 80, one mile from the landfill.
3 And I want to tell you how it affects me
4 personally. I go out of my house in the
5 morning -- been having headaches, dizziness,
6 and stomach pains. And it don't only affect
7 me. Mr. Gibbs said everything I just about
8 wanted to say anyway. It affect the whole --
9 the whole county and not only Perry County but
10 the countries around it. It affect our fish,
11 our hunting. It affect our water. It affect
12 our air, and everything we have to deal with.
13 And we need more than a meeting and speeches;
14 we need some action, and we need it quick
15 before action -- more speeches we're having;
16 more they dumping that stuff on us here. We
17 really need somebody on our side to work and
18 try to straighten it out or get that stuff
19 moved whatever we need to help us. Because our
20 property value is going down. Our property
21 value is going down. We don't have money.
22 Everybody is -- it's a very poor county -- for
23 the black county. And we don't have no place

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1 to go and no money to move. And we can't sell
2 our place when we want to sell, so we just
3 stuck. Just dying a slow death for no reason
4 just because we're black and poor people. And
5 somebody's got to do something. Action got to
6 be did one way or the other. Because this
7 stuff is really just destroying us and all our
8 food and our county, our surrounding counties.
9 Perry County, Dallas County, Marengo County --
10 deal with it -- other states too. Fish -- a
11 lot of fish. People sell their fish and it
12 goes all the way across to Japan, China. They
13 probably affected from it. It just -- it's
14 just bad. Something had to be did -- need to
15 did and very quick. So that's all I have --
16 said Mr. Gibbs said -- something got to be did.
17 It's destroying -- they're ruining our
18 community and our people. Thank you.

19 SHAWN SIBLEY: Thank you, sir. Mr. Jerry
20 Holmes. Cynthia Maddox will be afterwards. Is
21 Cynthia Maddox here?

22 JERRY HOLMES: Good evening. My name is
23 Jerry Holmes. I wanted to speak on behalf of

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1 the people on the south end of Uniontown, down
2 where -- the landfill. I'm right across the
3 road just a couple of feet. And we have
4 problems and a plenty of problems. We go to
5 these meetings. We talk about different
6 things. We never get answers and results. And
7 me, personally, I'm to the point -- before
8 anything else be dumped out there that's on the
9 railroad train that comes in the morning --
10 need to throw a flag and tell them to hold it
11 where it's at until the commissioners and you
12 guys get together with us. We paid our
13 commissioners to work for us on our best
14 behavior and behalf. We don't need them to get
15 with you all first, and we get the ass end of
16 the program. And we get this stuff dumped in
17 front of our door where our property value has
18 gone down to zero, and my property tax are
19 still rising. It do not take a rocket
20 scientist to figure this out. Something is
21 wrong. And for you guys that don't -- might
22 not know what's going on down here in this part
23 of the country. We are poor, but it ain't all

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1 poor black people down here. We got some rich
2 black people down here too. Just like there
3 are rich white people. It don't make no
4 difference. I came here with nothing; I will
5 leave here with nothing. For right is right,
6 and wrong is wrong. And I do know the
7 difference. It's time for a change. Why do we
8 have to accept all these stuff down here in
9 Uniontown? It was 16 states. Now somebody
10 said, what, 38 or 48? They might as well
11 consider all -- the whole United States. This
12 is the only place that can hold this stuff?
13 Why? We should have gotten the money that was
14 equal to the money from the people in Tennessee
15 with their toxic waste -- their spill. The
16 same money they paid those people over there.
17 We should have had the right to receive that
18 money, or either said, No, we don't want the
19 money, and we don't want the coal ash. Keep it
20 where it's at. Didn't none of that come out --
21 across the table on us. We haven't got -- I
22 haven't got a penny. But I paid my property
23 tax. And if I don't pay it, it will belong to

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1 the landfill; they want it anyway. But before
2 I give my house up, I'll move somewhere and let
3 my land stay there. And they better not put
4 nothing over there on my property. But,
5 getting to the point, I've been around with
6 some people from Atlanta. Greet them well to
7 the best of my ability at that time and been --
8 before they open that landfill up, I think they
9 drill like 16 wells and got locked caps on all
10 of them, standing up about three --
11 two-to-three-feet high, and I'm thinking it's a
12 three-inch pipe. They locked them up. And I
13 peeped in on a couple of them. I don't care
14 who lock me up. And don't look like them --
15 them locks have never been open since that day.
16 But they was to protect the water. And another
17 thing: Who is going to tell us when the water
18 is -- what you call it?

19 AUDIENCE: Contaminated.

20 JERRY HOLMES: -- contaminated? How will
21 we know? We should be the first; we are right
22 there. Like somebody said, We got well water.
23 Yeah, that's true. I'm on city water. But

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1 saw some Bobcats -- it was so much noise going
2 on over there, I wanted to go over there and
3 find out, actually, what the hell is going on?
4 What is y'all doing? I can't come in the --
5 for one hour and get me a nap. (INDICATING
6 MACHINE NOISE). I said, What is -- I'm
7 thinking they -- now you talking about 38 more
8 states. So when am I going to have sometime
9 for sleep and spend some time with my wife and
10 watch my TV? Is that gone ever happen? I
11 don't think it's coming. But y'all need to
12 consider this stuff closely -- that water, I
13 mean, Tayloe Creek, yeah, that's right. That's
14 the dirt road. They got everything for those
15 of you who do not know. They got the landfill
16 turned around just like they got the table
17 turned on us today. They are starting in the
18 back, which they calling this the front. They
19 got, what -- how many acres in that, sir? Do
20 you know?

21 SHAWN SIBLEY: I can't answer that.

22 JERRY HOLMES: You don't know.

23 SHANE LOVETT: I don't know off the top of

1 my head.

2 JERRY HOLMES: Okay. Well, I'm going to
3 give you a -- I'm going to give you a rough
4 estimate. I'm thinking that it's about
5 12-to-1500 acres including that landfill, and
6 they only own about -- I'm going to say, maybe,
7 roughly 40 acres right now, where the road
8 through a -- for dump. But they got a whole
9 lot of more space from Country Road 1 over to
10 Highway 80. That -- they just -- we're just at
11 an early beginning of a garbage dump. And the
12 saddest part about it: Why do we got to
13 receive coal ash on the very top of everything?
14 And it's been coal ash and household garbage
15 dumbled over there daily and not covered up by
16 night. Not just one time, several times. And
17 garbage has been dumped now daily; it's not
18 been covered by dirt daily. That's why we're
19 getting the smell. If you dump this stuff and
20 bury it -- what -- what did it say one time a
21 two foot -- two foot of soil on top of this --
22 on the top of this garbage you won't get the
23 smell. We need a fence around it. I like to

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1 hunt. You got deers, coons, and all that stuff
2 going out there on that landfill. My daddy
3 told me said, A coon will not eat anything
4 unless he done washed it off. I found that out
5 to be a lie. If he come in my chicken pin and
6 eat up all my chickens, and I ain't got no
7 water out there for him to wash it. He would
8 go to that landfill and eat something that
9 hadn't been washed, if he get hungry. It needs
10 to be isolated so whatever on that property,
11 stays on there. My dog cannot come over there,
12 and their dog -- the landfill dog -- cannot
13 come over. I killed three this morning. I got
14 about 75 chickens. The year before last, they
15 ate up a hundred-and-something. But I refuse,
16 if I have to buy the last bullet in the
17 store -- I going to kill every one that
18 comes -- set foot on my property on the highway
19 because they are destroying me. Corn has gone
20 up. Corn is \$13-and-something a hundred. I
21 can't afford to buy corn for chickens, and I'm
22 going to let the landfill dog -- garbage-field
23 dog come over there and eat them up. But they

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1 need a fence around it. We need to know what's
2 going on over there daily. Somebody needs to
3 tell us something. And these trucks, they need
4 to start washing. They need to put in a truck
5 car wash over there. Before he enter that
6 highway, he need to wash his vehicle for mud.
7 Let that coal ash and lime rock -- Selma chalk,
8 this is -- stays over there on that property.
9 We don't need it in the highway and bringing it
10 into your house when you get out of your car.
11 We don't -- we don't need that. You wash your
12 car on the road, in your yard, you step in it.
13 Now, you go in the house, you taking it. I
14 ain't got time to wash my shoes off. And I
15 don't expect my house to be no mess. But them
16 little corner things, I never did in my life.
17 And I ain't fixing to start doing them now.
18 But they need to start dealing with what they
19 need to do over there, so we won't have that
20 problem. But for me to say, hold up on the
21 coal ash. Hold up on any household garbage and
22 let's -- from the little surrounding counties.
23 We do need a place to dump. We need a place to

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1 dump. Perry -- Perry County, Dallas County,
2 Marengo, we're a part -- and all these little
3 surrounding counties, they need a place to
4 dump. I'm not kicking that. But it ain't
5 enough money in that for them to run the
6 Arrowhead Fill, so they got to get it from
7 these 38 states. Let every state do what we
8 had to do, sacrifice. We got that name or move
9 it. Let them states get on their own land and
10 build them an Arrowhead Landfill. Y'all just
11 spread them out -- have them all over the
12 United States. Put them in 38 states, that
13 will make me feel better -- so we won't have to
14 receive no more of this -- Perry County
15 garbage. That mean -- make more sense to me.
16 Don't -- make no sense to you? If it don't,
17 you just tell me. But, I mean, just common
18 sense stuff. If they need somewhere to go,
19 hey, go out there and find ten acres. They
20 don't need but ten acres. Start from there.
21 Somebody is going to move because they've got
22 plenty of money. More money than we've got.
23 We down here in the South. We ain't got no

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1 money. They'll sell out. Let them put it up
2 there where they stay at. I don't smell it. I
3 don't even want my brother's trash. He's still
4 up North. I don't want his stuff coming down
5 here on me. And I don't want my garbage be on
6 him because we got enough land out here to
7 handle our own self. We can't take care of the
8 whole United States, and I think that's what it
9 coming up to. And I hate to say it because we
10 don't have no representatives here. Our
11 commissioners should have been here tonight.
12 They should have been here. Somebody should
13 have been in here to talk to us.

14 AUDIENCE: That's right.

15 JERRY HOLMES: We -- we go to the poll.
16 Y'all don't go to the polls and collect [sic]
17 commissioners, but we do. And when I go
18 collect you for my supervisor, you are to -- to
19 take care of me. I don't have to take care of
20 you. Because we elected you. We -- we gave
21 you that right and that authority to speak for
22 me when I'm not there. But, no, not on these
23 circumstances. I think it's time that we put

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1 the commissioners to the side, and we start
2 speaking for them because they all about money.

3 AUDIENCE: That's right.

4 JERRY HOLMES: They getting the money, and
5 the money they got for what's down there now --
6 all of them look like a bunch of hatchet-headed
7 niggers -- so Albert Turner called us -- for
8 what they let y'all dump that stuff for. You
9 wouldn't have dumped it down there as far as me
10 for no, what -- 30 -- what it was,
11 Ms. Schaeffer?

12 MARY SCHAEFFER: 33 states.

13 JERRY HOLMES: 33 --

14 MARY SCHAEFFER: 33 states.

15 SHAWN SIBLEY: Mr. Holmes, direct it up
16 here, so we can hear you.

17 JERRY HOLMES: Okay. But I'm fixing to
18 make it short. I ain't going hold you no
19 longer. But it should have been a lot more
20 than that. And money for me. Personally, if I
21 was commissioner, I would have told you, No.
22 You keep it -- keep it in your own backyard; we
23 don't need it. Thank you. Y'all have a good

1 day.

2 SHAWN SIBLEY: Thank you. Cynthia Maddox.
3 Ms. Maddox. Behind Ms. Maddox is a Mr. William
4 and I'm not able to read the last name. It's
5 B-A-R-T-H? Mr. William signed up next. Sorry.
6 It's P.O. Box 189, Uniontown.

7 WILLIE BANKS: Banks.

8 SHAWN SIBLEY: Banks. I'm sorry. You're
9 up next, Mr. Banks. Go ahead. I'm sorry.

10 CYNTHIA MADDOX: Good evening.

11 AUDIENCE: Good evening.

12 CYNTHIA MADDOX: My name is Cynthia
13 Maddox.

14 AUDIENCE: Speak up.

15 CYNTHIA MADDOX: I'm sorry I got here a
16 little late, so I didn't get your name or your
17 name. But my name should be very familiar if
18 you are familiar with this situation at all.
19 And my name should be very familiar to you
20 because I've been in this project since it's
21 onset. And I'm kind of confused. I'm very
22 confused because about a month ago EPA
23 explained to us that coal ash had not, in fact,

1 been classified to date. Now, I'm hearing some
2 people saying that it's been classified as --
3 classified as that. But EPA specifically told
4 us a month ago that coal ash had not been
5 classified. Now, the permit that we have says
6 commercial -- I mean, commercial demolition,
7 household, putrescible, and special. But if it
8 has not been classified at all, then how were
9 they given a permit to dump coal ash without a
10 classification? And, as you know, special
11 waste has to be disposed of just as hazardous
12 waste. So if you were going to give it a
13 special-waste category, then they would have to
14 dispose of it in the hazardous waste manner.
15 So I'm confused, in the beginning, how they got
16 a permit to even dump coal ash. Then, as
17 you've heard all of these citizens talk, you've
18 just about heard every issue that we have.
19 Now, I also happen to have been one of those
20 plaintiffs on the lawsuit. And I took an
21 opportunity to peruse those depositions about a
22 month ago. Now, my question is: Who checks to
23 see if a permit application is legitimate?

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1 Just as the young lady said, We were deceived
2 totally. And the gentleman under oath
3 testified that he lied completely. What did he
4 lie about? First of all, he said that he was
5 going to operate and construct a landfill. He
6 demonstrated that to you in the permit. Larry
7 Matthews, in a sworn oath, he has never
8 operated or constructed a landfill in his life.
9 Number two, he -- PCA consisted of just him,
10 his home address, no employees. He didn't even
11 have any money. How can an organization submit
12 a permit to you, or a request for a permit,
13 that does not exist. He simply went to the
14 Secretary of State, said I'm going to be PCA
15 with nothing. It was a money-making scheme.
16 He went to Greg Scarborough, got the money to
17 buy the land. His sole purpose was to know how
18 to fill out an application to get a permit
19 granted. Now, my problem came in with that. I
20 was the one that mailed and got that big
21 package: Volume 1, Volume 2, and both revised
22 editions. And I read every paper, including
23 the little notes that you guys forget to take

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1 out of there. It appeared to me that ADEM was
2 actually completing the application. And they
3 were getting notes back. Okay, if you agree on
4 this, then we'll send this forward and go on
5 and get the permit. That's how the 24-inch
6 soil liner was eliminated. Because when they
7 sent the draft, after you sent it back though,
8 I didn't agree to that. And when the diagram
9 came back, that liner was missing; so the
10 integrity of ADEM was torn down at that point
11 because it appeared that the person requesting
12 the permit was dictating to ADEM, what was and
13 was not going to be in that landfill. Now, so,
14 my question is: How did they even get a permit
15 in the beginning? Being given to a company
16 that did not exist, one person. Okay. And I
17 hate to say this, but we told you so several
18 years ago. The exact thing that's happening
19 right now. We stood up in that gym time after
20 time after time, and said, This is what's going
21 to happened. Now they're bankrupt. They've
22 gone bankrupt to hide behind their
23 deficiencies. Oh, we'll just file bankrupt, so

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1 you aren't going to sue me for anything. How
2 you going issue a permit to someone that's
3 already in bankruptcy? That just came out to
4 you. We were told that that ash would be
5 buried in cells. That ash has been piled so
6 high until it is literally a mountain. There's
7 no ash being buried in the ground. We were
8 told that you would have a state of the art
9 leachate collection system. There's no state
10 of the art leachate collection system. There
11 are PVC pipes running down into the ditch along
12 side County Road 1. Right in front of these
13 people's homes. Right in front of their homes.
14 Ditches filled with probably the excess from
15 putrescible waste. All types of nasty, sinking
16 stuff. Then we were told they would have state
17 of the art all kinds of systems. I don't know
18 if somebody got confused. But our workers do
19 not have protective gear out there. They have
20 masks that they can't even breathe through.
21 Now, they are not -- there are no procedures
22 there, sir, for them to be decontaminated each
23 evening. They come right into the city with

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1 the boots on that they wear out there, the
2 clothing on that they wear out there. God
3 knows what else they're bringing right into us.
4 Their vehicles are not washed down when they
5 leave those grounds. They bring them right on
6 County Road 1 and bring them right past my
7 house. All of us live there. We just got our
8 road paved. The road is torn up again from all
9 of these large trucks. Now, like Mr. Holmes
10 was trying to tell you, we aren't informed.
11 Nobody tells us anything. This thing started
12 off with just 17, 16 -- 17 states, 7500 pounds.
13 We said then, What in the world does our 10
14 county region -- under the Tombigbee -- What in
15 the world do we need with 7500 pounds a day,
16 that's enough for all of Alabama. Our
17 consistency statement -- they weren't even
18 allowed to give one. What do we need with
19 15,000 pounds. Most people don't even know.
20 It went from 7500 to 15,000 a day. 33 states.
21 We have 10 counties in our region that we
22 should be concerned about. I took the
23 opportunity to peruse ADEM's policy. ADEM's

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1 policy says that our solid waste management
2 plan should provide for waste reduction -- not
3 waste production. And like I said, the waste
4 production is all about that money I was
5 telling you. Once he got that landfill permit,
6 he sold the permit and the land together, and
7 profited about \$12 million. And then guess
8 what us poor black people got? The refuse.
9 And last, but certainly not least, where is
10 ADEM Alabama looking out for poor us? EPA --
11 any of them, are you looking out for us? The
12 TVA is offering Kingston -- we're not talking
13 about reparations for all the insurance
14 policies; they're going to have to pay for all
15 the cleanup they're going to have to do.
16 They're going to give them 40 million plus just
17 to improve their damaged reputation. Oh, no,
18 not you white folk. What are you going to do
19 for us? Just like everybody know that that
20 spill was there, they know where that trash
21 came. So are they offering us anything? We'll
22 take anything. We got raggedy buildings that
23 could be torn down. We got a whole bunch of

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1 stuff we could do just to build us up. We
2 really want it out of here. But see, some
3 things have already been done. You can't do
4 nothing with spilled milk but mop it up, and it
5 still leaves a stain on the carpet. But you
6 can at least get something to cover it up. We
7 get nothing here. So we're saying, please
8 don't give them anymore of anything until they
9 take care of the business that they've already
10 messed up, and that's our quality of lives.

11 Thank you.

12 SHAWN SIBLEY: Mr. Banks. Chester Fikes.
13 Is Mr. Fikes here?

14 WILLIE BANKS: I got a problem with the
15 smell every night. The smell is a terrible
16 thing. I got fruit trees; they wilting up.
17 Pecan trees, I've got about 13 of them. I went
18 out there the other day, and I looked up at
19 them. I know they say you have off -- off
20 years, something like that. Okay. Last year
21 they was off. This year ain't none on there.
22 They sure shrinking up my pears. They shrunk
23 up. That's all I've got to say.

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1 SHAWN SIBLEY: Thank you. Mr. Fikes.

2 CHESTER FIKES: My name is Chester Fikes.
3 I'm a resident on Country Road 002 which means
4 that I live probably about 200 yards away from
5 the landfill. As a little child I was taught
6 that if we work hard, get an education, and try
7 to live the American dream, buy land, get a
8 house, so me, my father, my brothers, we did
9 that. Now, the value of the land that we
10 worked so hard to get, the value is gone. So
11 explain to me, why is it that you guys can give
12 them a permit, at the same time you don't even
13 know how much land they're going to purchase
14 over there to actually do this landfill at. I
15 don't get that. And then, all this -- from one
16 train ride in a cart -- it was toxic from the
17 place that it left -- did the train ride make
18 it non-toxic? And if that's so, explain to me
19 how that happened. It's a lot of questions
20 that we need to understand was not in there. I
21 got young kids that I'm concerned about. I
22 mean, I didn't raise my -- I don't want my kids
23 to grow up and have cancer. I want my kids to

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1 live a full productive life like everybody
2 else. And I just don't think it's fair. Until
3 this thing actually gets straightened up to the
4 point that it needs to be, I don't think a
5 permit should be given. And that's all I have
6 to say about it.

7 SHAWN SIBLEY: Thank you. Ms. Sandra
8 Richards.

9 SAUNDRA RICHARDS: My name is Sandra
10 Richards. And mom stays right across the
11 street from the landfill -- which we were there
12 first. A lot of us were there first. And this
13 is not all the people, nowhere near it. We
14 are -- we have a 53 in Marion; we have a 53
15 here in Uniontown. But all the sour jobs come
16 to 53 right here in Uniontown. For some reason
17 they know, hey, a lot of good things don't come
18 to Uniontown; they go to Marion. Anyway, we
19 have a cheese plant that came here. It's all
20 right. We had no bad smells. Right now, we
21 got flies.

22 AUDIENCE: Oh, yes.

23 SAUNDRA RICHARDS: Now, we have flies.

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1 The odor was so bad I didn't know whether to
2 hold my mouth or hold my nose yesterday. But
3 y'all here, it's cleaned up because y'all here;
4 it's cleaned up. Okay. We have the prison.
5 Nobody want the prison. The prison came here
6 to Uniontown. How many that fought for the
7 prison not to be here -- the people that stayed
8 by the prison. Okay. We don't live by prison,
9 so we didn't care. We didn't go fight for
10 these people. We need help right now. Okay.
11 So, we can catch an inmate. We can catch an
12 inmate, so we're not worried about an inmate.
13 The prison's here. Now, we have a chemical
14 ash. Okay. When a chemical ash gets out of
15 control, you BS your paperwork for the love of
16 money. When you -- even if you don't have
17 anybody of this town that let all this stuff in
18 here and saying it's good for us -- here to
19 speak on it in front of us instead of wait
20 until they go out the door to speak to some
21 newspaper man. You know, what I mean? They
22 should be in here right now saying, no, that's
23 not right. This is how it is. I promise --

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1 you're wrong. You know, you got the wrong
2 understanding. No, we're not getting the wrong
3 understanding. My momma lives right across the
4 street from this chemical ash. Nobody asked
5 her did she want to sell out or anything. My
6 father have cows; he's right up the road. My
7 brother, he's right up the road. There's no
8 price that you can give us for a life. When
9 the chemical ash gets out of control, what are
10 you going to do? I'm going to stay for my
11 grand kids and their kids. I want a million
12 dollars. I going to say right now. If they
13 can get this -- if they get registration
14 license for this -- you okay this for them,
15 which it shouldn't have even been, for this
16 place; but the love of money put in there if
17 not here. They're not here. They ashamed.
18 They're cheap. That's dirty. They're not
19 going to show their face. Would you show your
20 face? They did a dirty deed. Your
21 watermelons -- your can't eat our watermelons.
22 Your fruit is what your water is. Your peaches
23 on your trees is what your water is. The air

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1 that you breathe is what you are. Who is over
2 the air, the water, and the soil. Who's doing
3 their job? I mean, as far as I'm concerned,
4 this shouldn't have been in an area like this.
5 It shouldn't be in this spot. None of them
6 live by this place. None of them even show up
7 their face. This is just a dirty deed for the
8 love of money. This where we live, right
9 across the there, after the shade, at the big
10 hill (indicating).

11 SHAWN SIBLEY: Thank you. Is there anyone
12 that's not signed up -- to come up to speak,
13 that would wish to do so right now? Is there
14 anyone that did not sign up -- if you will,
15 when you come forward, state your name.

16 BOOKER T. GIPSON: Booker T. Gipson. I
17 got a place right across the street from that
18 landfill, and it blowing dust -- directly you
19 can look. I got a ground well left, and I'm
20 concerned about the water and the air. We got
21 such terrible smell down there on County Road
22 1, County Road 21. We don't need another
23 permit from no state to come in on a small town

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1 like Uniontown. And what we want to do when
2 the water gets contaminated? Who is going to
3 be responsible for it? We got cows; we got
4 fishes; we got all that. And we don't have
5 clean air. On the weekend, they don't cover
6 their garbage. And when you don't cover that
7 garbage on the weekend, you got buzzards flying
8 every direction -- and every which a way you
9 look. I also the -- we don't need that. So we
10 need a little bit more straightening up. Take
11 the landfill. Take it someplace else. Move it
12 out. That's about all I got to say.

13 SHAWN SIBLEY: Thank you. Again, is there
14 anyone else that would like to speak that
15 didn't sign up? There's no response. The
16 public comment period will end at 5 p.m.
17 Thursday, July 21st, 2011. Again, all comments
18 must be received at the Office of Department Of
19 Environmental Management in Montgomery by that
20 time. After consideration of all oral and
21 written commitments, the Department will make a
22 determination regarding the proposed permit
23 renewal and prepare a document responding to

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1 all the relevant comments received. If you've
2 not marked your registration card today
3 indicating you wish to receive the Department's
4 response to comments, you should notify us
5 immediately or go to the back of the room and
6 fill out one. Okay, if you've not done that
7 already. And, again, if you want to send it to
8 us, send it to the attention of Mr. Russell
9 Kelly, Chief of the Permits and Services
10 Division. Also, you can submit it to us by
11 email. And the email is address:
12 Hearing.officer@adem.state.al.us. And in
13 addition, the Department will notify all
14 persons who request in writing the notice of
15 the final permit's decision. Again, we want to
16 thank you for your participation, your
17 attendance. This hearing is now adjourned.
18 Thank you.

19 THEREUPON, the public hearing concluded at 7:33 p.m.
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Public Hearing

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REPORTER'S CERTIFICATION

PUBLIC HEARING OF LANDFILL PERMIT NO.: 53-03

JULY 14, 2011

I, Marla C. Cole, BCR, CSR, Court Reporter and Notary at Large in and for the State of Alabama, do hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the public hearing, as taken by me at the time and place heretofore stated in the aforementioned matter, by machine shorthand with electronic verification, with assistance of computer-aided transcription, to the best of my skill and ability.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of this proceeding.

Witness my seal and signature on this 26th day of July, 2011.

Marla Cole / (MTR)

Marla C. Cole, BCR, CCR No. 670
Notary Public
My Commission Expires: 1/5/2015

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